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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Case No. 3:23-cv-03417-VC-TSH

Individual and Representative Plaintiffs,

**DECLARATION OF NIKKI K. VO IN
SUPPORT OF DEFENDANT'S SUPPORT FOR
ADMINISTRATIVE MOTION TO CONSIDER
WHETHER ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

v.

META PLATFORMS, INC., a Delaware
corporation;

Defendant.

1 I, Nikki K. Vo, hereby declare:

2 1. I am a Director and Associate General Counsel for Defendant, Meta Platforms, Inc.
 3 (“Meta”). I have personal knowledge of the facts set forth in this declaration and, if called to testify
 4 as a witness, could and would testify competently thereto.

5 2. I make this declaration in support of Defendant’s Support for Administrative Motion
 6 to Consider Whether Another Party’s Material Should Be Sealed (“Motion”). The Motion seeks to
 7 have the following documents entirely or partially sealed:

Document	Sealing Request
Plaintiffs’ Notice of Motion and Motion for Leave to Amend Consolidated Complaint (“Motion”) (Dkt. 300)	<ul style="list-style-type: none"> Redacted Portions in Exhibit A, attached to this declaration
Exhibit 1 to the Declaration of Joshua M. Stein (“Stein Declaration”) (Dkt. 300-2)	<ul style="list-style-type: none"> Entire document
Exhibit 2 to Stein Declaration (Dkt. 300-3)	<ul style="list-style-type: none"> Entire document
Exhibit 3 to Stein Declaration (Dkt. 300-4)	<ul style="list-style-type: none"> Entire document
Exhibit 5 to Stein Declaration (Dkt. 300-6)	<ul style="list-style-type: none"> Entire document
Exhibit 6 to Stein Declaration (Dkt. 300-7)	<ul style="list-style-type: none"> Entire document
Exhibit 7 to Stein Declaration (Dkt. 300-8)	<ul style="list-style-type: none"> Entire document
Exhibit 8 to Stein Declaration (Dkt. 300-9)	<ul style="list-style-type: none"> Entire document
Exhibit 9 to Stein Declaration (Dkt. 300-10)	<ul style="list-style-type: none"> Entire document
Appendix A to Stein Declaration (Dkt. 300-11)	<ul style="list-style-type: none"> Redacted portions in Exhibit B, attached to this declaration
Appendix B to Stein Declaration (Dkt. 300-12)	<ul style="list-style-type: none"> Redacted portions in Exhibit C, attached to this declaration

25 3. Exhibit 1 to the Stein Declaration is a highly sensitive, internal communication
 26 between Meta employees discussing the use of various datasets to train Meta’s generative AI
 27 models. The discussion includes technical details regarding Meta’s processes in developing its AI
 28

1 models. The document was designated “Highly Confidential – Attorneys’ Eyes Only” under the
2 Stipulated Protective Order (Dkt. 90). Public disclosure of the information in this document
3 exposes Meta to the risk of competitive harm.

4 4. Exhibit 2 to the Stein Declaration is a compilation of highly sensitive comments
5 made by Meta employees on a confidential internal document concerning datasets used to train
6 Meta’s generative AI models. The comments reflect Meta’s internal decision-making as to
7 development of its AI models and include technical details regarding Meta’s processes in
8 developing those models. The document was designated “Highly Confidential – Attorneys’ Eyes
9 Only” under the Stipulated Protective Order. Public disclosure of the information in this document
10 exposes Meta to the risk of competitive harm.

11 5. Exhibit 3 to the Stein Declaration is an excerpt of the transcript of the deposition of
12 Meta employee Todor Mihaylov, which has been designated “Highly Confidential – Attorneys’
13 Eyes Only” under the Stipulated Protective Order. The excerpt includes discussion of Meta’s
14 highly sensitive internal processes for training its generative AI models and refers to a document
15 produced by Meta reflecting the same, which was also designated “Highly Confidential – Source
16 Code” under the Stipulated Protective Order. Public disclosure of the information in this excerpt
17 exposes Meta to the risk of competitive harm.

18 6. Exhibit 5 to the Stein Declaration is an excerpt of the transcript of the deposition of
19 Meta employee Michael Patrick Clark, which has been designated “Highly Confidential –
20 Attorneys’ Eyes Only” under the Stipulated Protective Order. The excerpt includes discussion of
21 Meta’s confidential processes in obtaining data to train its generative AI models and technical
22 measures implemented in using that data. The excerpted discussion also references and directly
23 quotes from a document produced by Meta designated “Highly Confidential – Attorneys’ Eyes
24 Only.” Public disclosure of the information in this excerpt exposes Meta to the risk of competitive
25 harm.

26 7. Exhibit 6 to the Stein Declaration is an excerpt of the transcript of the deposition of
27 Meta employee Michael Patrick Clark, which has been designated “Highly Confidential –
28 Attorneys’ Eyes Only” under the Stipulated Protective Order. The excerpt includes discussion of

1 a dataset and technology used by Meta in the development of its generative AI models, which is
2 confidential and has not been disclosed to the public. Sealing of the background discussion of these
3 topics is necessary to protect the confidentiality of Meta's sensitive business information, as the
4 discussion when taken in context, necessarily implies Meta's involvement.

5 8. Exhibit 7 to the Stein Declaration is a highly sensitive internal document with
6 detailed technical discussion concerning one of the datasets used to train Meta's generative AI
7 models, including discussion of its implementation and use in developing those models. The
8 document was designated "Highly Confidential – Attorneys Eyes Only" under the Stipulated
9 Protective Order. Public disclosure of the information in this document exposes Meta to the risk
10 of competitive harm.

11 9. Exhibit 8 to the Stein Declaration is a confidential communication between Meta
12 employees concerning, among other things, non-public techniques for data processing, training
13 datamix strategy, and positioning relative to competitors. This document was produced by Meta
14 and marked "Highly Confidential – Attorneys' Eyes Only." Public disclosure of the information
15 in this document exposes Meta to the risk of competitive harm.

16 10. Exhibit 9 to the Stein Declaration is an internal communication concerning Meta's
17 highly sensitive methods and processes for obtaining data for use in training its generative AI
18 models. The document was designated "Highly Confidential – Attorneys Eyes Only" under the
19 Stipulated Protective Order. Public disclosure of the information in this document exposes Meta to
20 the risk of competitive harm.

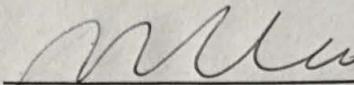
21 11. The redacted portions of Plaintiffs' Motion and Appendices A and B to the Stein
22 Declaration – which consist of Plaintiffs' proposed Third Amended Consolidated Complaint and a
23 redline of that complaint against the operative complaint in this case – reflect, refer to, and discuss
24 the information contained in the highly confidential documents above. To the extent portions of
25 the materials Meta seeks to seal include non-confidential background information, sealing of such
26 information within the context of Plaintiffs' Motion and proposed amended complaint is necessary
27 to maintain the confidentiality of Meta's protected information, as the discussion necessarily
28 implies conduct by Meta which is highly sensitive, non-public, and which Meta has taken steps to

1 keep confidential. As such, public disclosure of the information in those redacted portions exposes
2 Meta to the risk of competitive harm.

3 12. Public disclosure of the information contained in the above-referenced exhibit
4 exposes Meta to the risk of competitive harm by revealing Meta's non-public trade secret
5 information and technical data pertaining to the development of its generative AI offerings. For
6 this reason, Meta takes steps to carefully protect the confidentiality of this sort of information

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct

9 Executed in Oakland, California on this 4th day of December, 2024.

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Nikki K. Vo

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